

agencies for the fiscal year ending September 30, 2020, and for other purposes.

A bill (H.R. 3055) making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2020, and for other purposes.

Mr. THUNE. I now ask for a second reading, and I object to my own request, all en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will receive a second reading on the next legislative day.

#### ORDERS FOR WEDNESDAY, JULY 10, 2019

Mr. THUNE. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, July 10; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, morning business be closed, and the Senate proceed to executive session and resume consideration of the Wetherell nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER FOR ADJOURNMENT

Mr. THUNE. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order following the remarks of Senator CASEY.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Pennsylvania.

#### NOMINATIONS

Mr. CASEY. Madam President, I rise this evening to talk about judicial nominations and, in my view, the state of play, where we are. I want to highlight some of the very real impacts these nominations have on Americans across the board.

We have had a number of opportunities this year to come together and have agreement on some judicial nominations, but, frankly, this year—the last several years—this issue has been the subject of conflict and sometimes rancor and division on the Senate floor and in the committee, the committee of jurisdiction, the Judiciary Committee.

I have raised concerns about the willingness of Senate Republicans to dismantle longstanding Senate rules but also Senate norms, all in a rush to pack the bench with nominees who are often both ideological and also, in some cases—not in all but in some cases—both too ideological and often unqualified.

Early this afternoon, the Senate voted to confirm Daniel Aaron Bress to a Ninth Circuit seat in California. I

will talk about his nomination just by way of example, not by way of argument before a confirmation vote because that has passed.

I think his nomination and confirmation are another example of the decline of the Senate's once-proud traditions relating to judicial nominations.

He was opposed by both of his home State Senators. Both Senator FEINSTEIN and Senator HARRIS did not return a blue slip for Daniel Aaron Bress.

The blue slip, as many people know, is literally a single piece of paper where Senators sign their name and then check off whether they support or oppose, as a way to have consensus between Senators from their home State, and it has always been accorded respect and deference in this Chamber, but that has all changed now.

In this case, you had a California nomination—I will get to that part of it in a moment—where, as I said, both Senators did not return blue slips. In this case, in particular, I think it is particularly offensive because Senator FEINSTEIN is the ranking member of the committee.

For those who don't pay attention to all this terminology, "ranking member" is the top person in one party who is not the chairman or chairwoman, as the case may be.

So as the top Democrat, the ranking member of the Senate Judiciary Committee, her opposition to Judge Bress should be an important factor in his nomination and confirmation.

Prior to this administration, the Judiciary Committee had never held a hearing for a nominee from the ranking member's home State without his or her support. Again, that has all changed just recently.

Prior rules and norms have not stopped Republicans in the Senate from pushing extreme and sometimes corporate nominees through this process, especially at the circuit court level.

In a recent press release, Senator FEINSTEIN and Senator HARRIS explained that they opposed Judge Bress in part because he had so few connections to California. He lived in California for only 1 year since graduating from high school, he has not voted in California in an election for over a decade, and the California bar lists him as a Washington, DC, attorney.

I mention that because that should be relevant. When a home State Senator—in this case, two home State Senators, one of whom is the top Democrat on the Judiciary Committee—I think in that case there should be deference paid to that kind of concern that is raised. After all, they both represent their State.

As I mentioned earlier, the blue slip process is predicated on the idea that home State Senators are more familiar than anyone else with their State's legal community. I think that goes without saying. They serve an important role in nominating individuals to serve and represent the State.

Judge Bress is an example of why the blue slip process is so important. He is not part of the California legal community. Despite objections of the Senators, he will now sit on the Ninth Circuit Court of Appeals and decide cases for a State with over 39 million residents at last count.

Without blue slips, what would prevent a California judge from being nominated to a court in another State? What would happen if you had someone from a different State, who had very little ties to a State, be nominated and confirmed, for example, to serve in a State like Pennsylvania? It doesn't make a lot of sense to most people. It is a norm that should not be violated.

His nomination illustrates how the blue slip process has been eviscerated, especially for the circuit courts, which is something that I had some firsthand experience with. I did not return a blue slip on one nominee who was confirmed, and in the second case, there was a hearing scheduled over my objections by way of not returning a blue slip.

That experience that I had as a Senator whose blue slip and the deference that should be paid as part of that blue slip process—that circumstance in my case is at variance with my experience for district court judges.

Senator TOOMEY and I—my colleague from Pennsylvania—have worked together to jointly recommend experienced, consensus nominees for the Federal district courts in Pennsylvania. We have three districts—the Eastern District, the Middle District, and the Western District.

Unfortunately, this bipartisan district court process has become the exception, not the rule. It used to pertain here in the Senate, where every State had some kind of process by which nominees were presented for confirmation by their home State Senators, and the White House—the administration—in every case would pay deference to that.

That is exceedingly rare today. I am thankful we have maintained it so far in Pennsylvania with regard to the work Senator TOOMEY and I do together and our staffs do together to reach consensus. It doesn't always work, by the way, but usually no one hears about the ones who don't work out because we keep that to ourselves and move on to the next person and see if we can't reach consensus. I appreciate that. I think we are either at 19 or 20 judges confirmed since 2011, working together, and I hope we can maintain that so that at least—at least—the blue slip process can be respected for district court nominees.

I think people who elect us in our home States expect that. They expect us to work together and to try to reach consensus where we can. Sometimes it is not possible, but they do expect us to do that. If there is an expectation of consensus and bipartisan cooperation